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NEHEMIAH AVILA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NEHEMIAH AVILA,

Defendant.

Case No.: 2:21-cr-0020 JAM

STIPULATION AND ORDER MODIFYING
DEFENDANT'S SPECIAL CONDITIONS
OF RELEASE

Defendant Nehemiah Avila is presently released on pre-trial conditions following a hearing on a renewed bail motion held on June 9, 2023. Chief United States Magistrate Judge Kendall J. Newman ordered his release subject to general and special conditions of release (ECF Docket Entry 79).

Special Condition of Release 12 requires Nehemiah Avila to “participate in the Better Choices Court Program and comply with all the rules and regulations of the program ... until

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1 released by the pretrial services officer[.]” (Special Condition Number 12, ECF Entry 79).
2 Special Condition 13 requires that Nehemiah Avila “must participate in a cognitive behavioral
3 therapy program as directed by the pretrial services officer. Such programs may include group
4 sessions led by counselor or participation in a program administered by the Pretrial Services
5 office[.]” (Special Condition Number 13, ECF Entry 79).
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7 The parties to this action, Plaintiff United States of America by and through Assistant
8 United States Attorney Adrian Kinsella, and Defendant Nehemiah Avila by and through his
9 attorney Todd D. Leras, stipulate as follows:
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- 11 1. Mr. Avila is supervised for compliance with his pre-trial release conditions by
12 Pretrial Services Intensive Supervision Specialist Lorena Gallagher. On June 20,
13 2023, Ms. Gallagher requested via email that the parties consider removal of the
14 Better Choices Court Program condition by stipulation. Ms. Gallagher indicated that
15 she has referred Mr. Avila to Moral Reconciliation Therapy (MRT) pursuant to Special
16 Condition 13. Mr. Avila is required to begin attending the MRT program. Combined
17 participation in MRT and the Better Choices Court Program may prove to be
18 duplicative. Pretrial services therefore suggested that the parties consider a
19 stipulation to remove the Better Choices Court Program attendance requirement.
20
21 2. The government and defense counsel have no objection to removal of the Better
22 Choices Court Program condition.
23

24 The parties therefore request modification of Mr. Avila’s Special Conditions of Release
25 to remove Special Condition Number 12 relating to participation in the Better Choices Court
26 Program. All other general and special conditions of release previously ordered shall remain in
27

1 full force and effect.

2 Assistant U.S. Attorney Adrian Kinsella has reviewed this stipulation and proposed order
3 and authorized (via email) Todd Leras to sign it on his behalf.
4

5
6 DATED: June 21, 2023

7 By /s/ Todd D. Leras for
8 ADRIAN KINSELLA
Assistant United States Attorney

9 DATED: June 21, 2023

10 By /s/ Todd D. Leras
11 TODD D. LERAS
Attorney for Defendant
12 NEHEMIAH AVILA
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ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that Special Condition of Release Number 12, requiring Defendant Nehemiah Avila to participate in the Better Choices Court Program is eliminated (ECF Docket Entry 79).

All other general and special conditions of release imposed by this Court as to Defendant Nehemiah Avila shall remain in full force and effect.

IT IS SO ORDERED.

Dated: June 23, 2023


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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